

e

Notice of Allowability

Application No.

10/817,026

Examiner

Shelley Self

Applicant(s)

BRAZELL ET AL.

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/16/06.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DERRIS H. BANKS
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3700

DETAILED ACTION

Response to Amendment

The amendment filed on March 16, has been considered but is ineffective to overcome the prior art reference.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

-Pg. 6, line 3, deleted "table top 14" replaced with **table top 18**—

-Pg. 6, line 22, following "out feed support table" inserted **12**—

Allowable Subject Matter

Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or fairly suggest a table saw assembly or an auxiliary table for a table saw comprising elongate arms telescopically extending through channels, *a pair of pivot members disposed on a distal end of each arm to secure the arms in the channels, wherein the auxiliary support table is adjustable between a use position wherein the elongate arms telescope*

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inwardly through channels to position the workpiece support surface generally parallel to the saw table top and a stored position wherein the elongate arms telescope outwardly through the channels and pivot about pivot members to position the workpiece support surface generally perpendicular from the table top or to hang the workpiece support table downwardly from the table saw table top in combination with the rest of the claimed limitations as set forth in claims 1, 13 and 18.

The prior art of record, Talesky (6,293,176) discloses a table saw assembly comprising a base (12) having a pair of laterally spaced apart, longitudinally extending channels (fig. 3, 4), a motor for driving a saw blade (16), the motor oriented within the saw base (col. 5, lines 13-15), a table top (14) affixed on the base (12) for supporting a workpiece thereon; a saw blade (16) affixed to and driven by the motor, the saw blade (16) extending through an opening (18) formed through the table top (14), an auxiliary support table (24) slidably mounted to the saw base (12) the auxiliary support table (24) having a workpiece support surface (fig. 3), a pair of elongate arms (34, 36) telescopically extending through the channels (figs. 3, 4) wherein the auxiliary table is adjustable between an outwardly extended telescopic position (fig. 3) and an inwardly extended telescopic position (fig. 2). Talesky does not disclose or fairly suggest *a pair of pivot members disposed on a distal end of each arm to secure the arms in the channels, wherein the auxiliary support table is adjustable between a use position wherein the elongate arms telescope inwardly through channels to position the workpiece support surface generally parallel to the saw table top and a stored position wherein the elongate arms telescope outwardly through the channels and pivot about pivot members to position the workpiece support surface generally perpendicular from the table top or to hang the workpiece support table downwardly from the*

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table saw table top. Talesky is silent to any pivoting of the auxiliary table and instead teaches only linear movement and adjustability of the auxiliary table (24) relative to the table top (14). Accordingly, Talesky fails to anticipate or render obvious the claimed invention as set forth in claims 1, 13 and 18.

The prior art reference, Hewitt (4,640,326) discloses a table saw assembly having a base (27) a table top (14) a saw blade (16) extending through a slot or opening in the table top (14), an auxiliary table (42) coplanar with the table top (14). Hewitt discloses the auxiliary table (42) to be pivotally mounted (figs. 1-3) such that the auxiliary table is in a use position (fig. 1) and pivoted position perpendicular and extending downwardly from the table top (14). Hewitt however does not disclose any *telescoping structure*. Although, Hewitt discloses pivotally mounting of an auxiliary table and Talesky discloses a telescopic structure for extending an auxiliary table into a use position, there is no motivation to combine the references. Further such combination would be impermissible hindsight reconstruction. Thus neither Talesky nor Hewitt alone or in combination anticipate or render obvious the claimed invention as set forth in claims 1, 13, and 18.

Neither the prior of record nor any combination thereof discloses the claimed invention as set forth in claims 1, 13, and 18. Therefore claims 1-20 are deemed allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf
March 31, 2006


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